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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/509,773
Filing Date	April 14, 2005
First Named Inventor	DELANEY, ALLEN D.
Group Art Unit	1642
Examiner Name	Aeder, Sean E.
Attorney Docket Number	KINE-040

Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

☒ Petition for Extension of Time

  ☒ USPTO Credit Card Form 2038

☐ Amendment / Reply

  ☐ After Final

  ☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Documents

☐ Response to Missing Parts/ Incomplete Application

  ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

☐ Assignment Papers *(for an Application)*

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a Provisional Application

☐ Power of Attorney, Revocation Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s

Remarks

☐ After Allowance Communication to Group

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to Group *(Appeal Notice, Brief, Reply Brief)*

☐ Proprietary Information

☒ Restriction Election

☒ Return postcard

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Signing Attorney/Agent (Reg. No.)	PAMELA J. SHERWOOD, 36,677 BOZICEVIC, FIELD & FRANCIS, LLP
Signature	*Pamela Sherwood*
Date	February 7, 2007

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	Docket No.	KINE-040
RESTRICTION ELECTION	Application No.	10/509,773
	Confirmation No.	3141
Address to: Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Filing Date	April 14, 2005
	Examiner	Aeder, Sean E.
	Group Art Unit	1642

Sir:

This communication is submitted in response to the Restriction Requirement dated August 8, 2006 for which a one-month period for response was given. A Petition for a five-month extension of time is filed herewith. Accordingly, this Restriction Election is timely filed.

The Examiner therein required election of one of the following groups of claims:

Group 1:   Claim 1, as specifically drawn to a method of screening for biologically active agents comprising combining a candidate biologically active agent with a specific polypeptide and determining the effect of said agent on phosphatase function.

Group 2:   Claim 1, as specifically drawn to a method of screening for biologically active agents comprising combining a candidate biologically active agent with a cell comprising a specific nucleic acid and determining the effect of said agent on phosphatase function.

Group 3:   Claim 1, as specifically drawn to a method of screening for biologically active agents comprising combining a candidate biologically active agent with a non-human transgenic animal model comprising a knockout of a specific gene and determining the effect of said agent on phosphatase function.

Group 4:   Claim 1, as specifically drawn to a method of screening for biologically actie agents comprising combining a candidate biologically active agent with a non-human transgenic animal model comprising an exogenous and stably transmitted mammalian gene sequence and determining the effect of said agent on phosphatase function.

Group 5:   Claim 2, drawn to a method for diagnosis of cancer comprising determining the upregulation of expression in a specific polynucleotide.

Group 6:   Claim 7, drawn to a method of inhibiting growth of a cancer cell comprising downregulating a specific polypeptide.

Group 7:   Claims 12 and 15, as specifically drawn to a method of screening for targets of a cancer associated phosphatase, the method comprising comparing the pattern of

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gene expression in a normal cell and in a tumor cell characterized by upregulation of a particular gene.

Group 8: Claims 12 and 15, as specifically drawn to a method of screening for targets of a cancer associated phosphatase, the method comprising comparing the pattern of protein phoshorylation in a normal cell and in a tumor cell characterized by upregulation of a particular gene.

Group 9: Claim 16, drawn to an isolated nucleic acid.

Group 10: Claim 17, drawn to a method to treat a tumor comprising administering a compound of the general formula $\alpha(P_2)$.

Group 11: Claim 28, drawn to a compound for the treatment of a tumor of the general formula $\alpha(P_2)$.

Group 12: Claim 43, drawn to a method for visualizing a tumor in a patient comprising administering a compound of the general formula $\alpha(P_2)$ and visualizing the imaging moieties in the compound.

The Applicant hereby elects to prosecute the claims of Group 1, Claim 1, as specifically drawn to a method of screening for biologically active agents comprising combining a candidate biologically active agent with a specific polypeptide and determining the effect of said agent on phosphatase function, with traverse. As stated in the MPEP §803, if search and examination of an entire application can be made without serious burden, the examiner must examine the entire application on the merits, even though the entire application includes claims to independent or distinct inventions. It is the Applicant's position that it would not be unduly burdensome to perform a search on all of the claims together in the present application. Accordingly, the Applicant traverses the restriction requirement.

Specifically Applicant requests rejoinder of Groups I and II, as the method of screening with a cell comprising the polypeptide, through expression of the polynucleotide encoding the polypeptide, and screening with a polypeptide have an overlapping scope.

Applicant elects the phosphatase MKPX for examination, which corresponds to SEQ ID NO:1 (polynucleotide) and SEQ ID NO:2 (polypeptide).

The Applicant expressly reserves the right under 35 USC §121 to file a divisional application directed to the non-elected subject matter or any subject matter disclosed in this application during the pendency of this application.
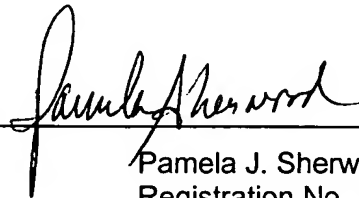
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The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number KINE-040.

Respectfully submitted,

BOZICEVIC, FIELD & FRANCIS LLP

Date: February 7, 2007   By: _____

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